

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

TERESA E. PRECISE

§

v.

§

CIVIL ACTION NO. 2:12-CV-302

COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION

§

ORDER OF DISMISSAL

Plaintiff filed the above-styled and numbered civil action pursuant to the Social Security Act, Section 205(g), for judicial review of the Commissioners's denial of her application for Social Security benefits. The cause of action was referred to United States Magistrate Judge Roy S. Payne, who issued a Report and Recommendation concluding that the decision of the Commissioner should be affirmed and the complaint be dismissed. Plaintiff has filed written objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Plaintiff's objections in large part repeat her arguments in her original brief and she contends that she could not perform her past relevant work as she had actually performed it. However, as the Magistrate Judge observed, the ALJ found that she could perform her past relevant work as it is *generally* performed under the Dictionary of Occupational Titles. The ALJ's decision was informed by the testimony of a qualified vocational expert, which constitutes substantial evidence. Having made a *de novo* review of the objections raised by Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly


**ORDERED** that Plaintiff's objections are hereby **OVERRULED**. It is further

**ORDERED** that the decision of the Commissioner is **AFFIRMED** and the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further

**ORDERED** that any motion not previously ruled on is **DENIED**.

**So Ordered and Signed on this**

**Jun 25, 2013**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE